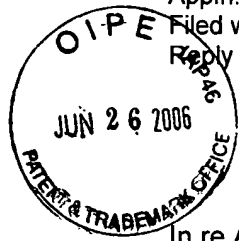


Appln. No. 10/053,304

Filed with Amendment and Response dated June 22, 2006

Reply to Office Action of December 22, 2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : David P. Vellante, et al.
Serial No. : 10/053,304
Filed: : November 7, 2001
For: : Method for Assessing the Business Value of Information
Technology
TC/AU : 3639
Examiner : Fadey S. Jabr
Attorney Docket No. : ITC 2-002

HONORABLE COMMISSIONER FOR PATENTS
MAIL STOP AMENDMENT
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

PETITION UNDER 37 C.F.R. 1.183

Sir:

A declaration and power of attorney signed by all the inventors, David P. Vellante, Edward Gershenson, David A. Floyer, and Leonard F. Swec, was submitted for the above-identified application in response to a Notice to Filing Missing Parts. Also submitted was an assignment of all the inventors' interests to ITCentrix, Inc., now Barometrix Software Corporation. That assignment is recorded at reel and frame 016670/0697. Copies of the declaration and assignment are attached hereto.

In an Office action dated December 22, 2005, the Examiner noted that the declaration included a deficiency, namely, that of having failed to provide the particulars of the provisional application to which the above-identified application claims priority. David P. Vellante, David A. Flowers and Leonard F. Swec have signed a supplemental declaration correcting this deficiency. A copy of the supplemental declaration is attached hereto.

Pursuant to 37 C.F.R. 1.183 and MPEP § 603(b), applicants David P. Vellante, David A. Floyer and Leonard F. Swec and the assignee, request that the Commissioner waive the requirement for inventor Edward Gershenson to sign the supplemental declaration as he was presented with the supplemental declaration and has refused to sign it.

A check is enclosed for the \$400.00 fee required by 37 C.F.R. 1.17(f) for filing a petition to suspend the rules.

ZFW
JAC

Respectfully submitted,

Date: June 22, 2006

Diane E. Burke

Diane E. Burke
Reg. No. 45,725
MUELLER AND SMITH, L.P.A.
Mueller-Smith Building
7700 Rivers Edge Drive
Columbus, Ohio 43235-1355
Tel.: 614-436-0600
Fax: 614-436-0057
email: dburke@muellersmith.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited on
June 22, 2006 with the United States Postal Service as first class mail in an
envelope addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Jane Keeney
Jane Keeney



DECLARATION AND POWER OF ATTORNEY
PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name:

I believe I am the original, first and sole (if only one name is listed below) or an original, first and joint (if plural names are listed below) inventor of the subject matter which is claimed and for which a patent application is sought on the invention entitled:

METHOD FOR ASSESSING THE BUSINESS VALUE OF INFORMATION TECHNOLOGY
the specification of which

[] is attached hereto.

[X] was filed on November 7, 2001, as application Serial No. 10/053,304, and was amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim benefit under Title 35, United States Code, §120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of the application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national PCT international filing date of this application:

App'n Serial No.	Filing Date	Status
		(patented, pending, abandoned)

App'n Serial No.	Filing Date	Status
		(patented, pending, abandoned)

I hereby appoint Jerry K. Mueller, Jr., Reg. No. 27,576, Gerald L. Smith, Reg. No. 22,009, and Diane E. Burke, Reg. No. 45,725 jointly and each of them severally, my attorneys and attorney, with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent and to transact all business in the Patent and Trademark Office connected therewith. I hereby direct that all correspondence be addressed to: Mueller and Smith, LPA, 7700 Rivers Edge Drive, Columbus, Ohio 43235, and all telephone calls be directed to Gerald L. Smith, at telephone number (614) 436-0600.



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: David P. Vellante

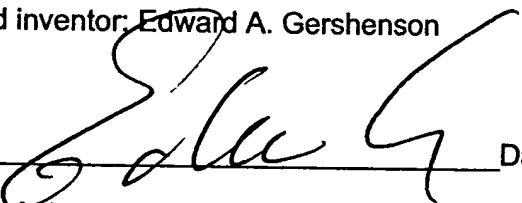
Inventor's signature  Date 4/22/02

Residence: Still River, MA

Citizenship US

Post Office Address: 259 Still River Road, Still River, MA 01467

Full name of second inventor: Edward A. Gershenson

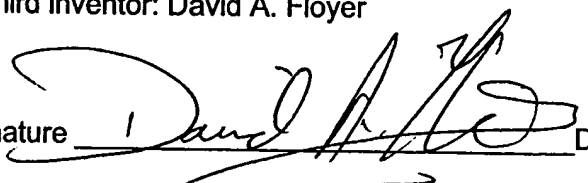
Inventor's signature  Date 4.22.02

Residence: Sudbury, MA

Citizenship: US

Post Office Address: 10 Mark Lane, Sudbury, MA 01776

Full name of third inventor: David A. Floyer

Inventor's signature  Date 5/3/2002

Residence: Mountain View, CA

Citizenship: United Kingdom

Post Office Address: 707 Continental Cir. Ste 131, Mountain View, CA 94040

Full name of fourth inventor: Leonard F. Swec



Attorney Docket ITC 2-002

Inventor's signature Leonard F. Suer Date APRIL 24, 2003

Residence: Danville, CA

Citizenship: US

Post Office Address: 849 El Quanito Drive, Danville, CA 94526

ASSIGNMENT

WHEREAS, we, David P. Vellante of Still River, MA, Edward A. Gershenson of Sudbury, MA, David A. Floyer of Mountain View, CA, and Leonard F. Swec of Danville, CA are the exclusive owners of the invention identified as:

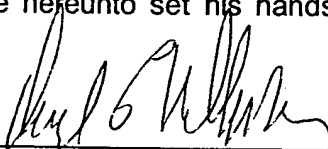
U.S. Pat. Application No. 10/053,304, effective date, November 7, 2001, for "Method For Assessing The Business Value Of Information Technology;

WHEREAS, ITCentrix., a corporation of the State of Delaware, having an office at 1661 Worcester Road, Suite 403, Framingham, MA 01701, (the "Assignee") is desirous of acquiring all of the right, title, and interest in and to the aforesaid invention and patent listed above.

NOW, THEREFORE, To All Whom It May concern, be it known that, for and in consideration of the sum of Ten Dollar (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Assignors have sold, assigned, and transferred, and by these presents do sell, assign, and transfer, unto said Assignee, their entire right, title and interest in and to the invention shown, executed by us respectively on the 22nd day of April, 2002, the 22nd day of April, 2002, the 3rd day of May, 2002, and the 24th day of April, 2002, described, and claimed in the aforesaid United States Patent Application No. 10/053,304; in and to any extensions, reissues, or renewals thereof.

And the Assignors further covenants and agrees that they will execute such additional and further assurance of title as may be necessary or proper to fully convey the interest herein sought to be conveyed; that the Assignors will execute such application papers as may be desired by the said Assignee for the filing of any reissues of United States Patent Application No. 10/053,304.


22nd IN TESTIMONY WHEREOF, we have hereunto set his hands at Framingham, MA, this day of February 2002.


David P. Vellante

COMMONWEALTH OF MASSACHUSETTS)
COUNTY OF MIDDLESEX) ss.
)

Personally appeared before me this day the above-named David P. Vellante to me personally known, who acknowledged that he signed the foregoing instrument for the uses and purposes therein mentioned, and that the same is his free act and deed.

In testimony whereof, I have hereunto set my hand and affixed my seal this 22nd day of April 2002



Michelle Vasquez
Notary Public my commission exp 11/15/02


Edward A. Gershenson

COMMONWEALTH OF MASSACHUSETTS)
COUNTY OF MIDDLESEX) ss.

Personally appeared before me this day the above-named Edward A. Gershenson to me personally known, who acknowledged that he signed the foregoing instrument for the uses and purposes therein mentioned, and that the same is his free act and deed.

In testimony whereof, I have hereunto set my hand and affixed my seal this 22nd day of April 2002


Notary Public my commission exp 11/15/02


David A. Floyer

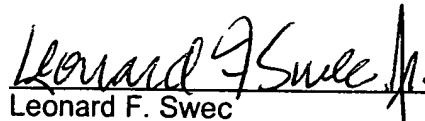
STATE OF CALIFORNIA)
COUNTY OF _____) ss.

Personally appeared before me this day the above-named David A. Floyer to me personally known, who acknowledged that he signed the foregoing instrument for the uses and purposes therein mentioned, and that the same is his free act and deed.

In testimony whereof, I have hereunto set my hand and affixed my seal this 5-3-02 day of _____ 2002

SEE ATTACHED CERTIFICATE
Notary Public

IN TESTIMONY WHEREOF, Leonard F. Swec has hereunto set his hand at DANVILLE, CA this 24th day of APRIL 2002.

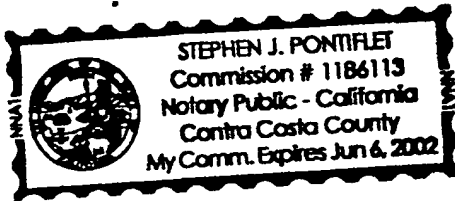

Leonard F. Swec

STATE OF CALIFORNIA)
COUNTY OF CONTRA COSTA) ss.

Personally appeared before me this day the above-named Leonard F. Swec to me personally known, who acknowledged that he signed the foregoing instrument for the uses and purposes therein mentioned, and that the same is his free act and deed.

In testimony whereof, I have hereunto set my hand and affixed my seal this 24th
day of April 2002


Notary Public



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of SANTA CLARA

ss.

On MAY 3, 2002 before me, ARTHUR H. GRAY II NOTARY PUBLIC

Date

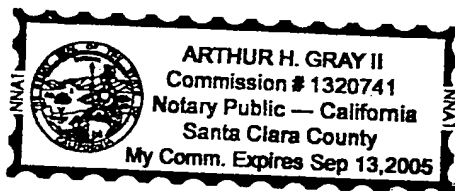
Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared DAVID A. FLOYER

Name(s) of Signer(s)

☐ personally known to me

☒ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Arthur H. Gray II
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: DECLARATION OF POWER OF ATTORNEY PATENT APPLICATION

Document Date: NO DATE Number of Pages: 5

Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer

Signer's Name: DAVID A. FLOYER

☒ Individual

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Attorney-in-Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here



DECLARATION AND POWER OF ATTORNEY
PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name:

I believe I am the original, first and sole (if only one name is listed below) or an original, first and joint (if plural names are listed below) inventor of the subject matter which is claimed and for which a patent application is sought on the invention entitled:

**METHOD FOR ASSESSING THE BUSINESS VALUE OF INFORMATION
TECHNOLOGY**

the specification of which

[] is attached hereto.

[X] was filed on November 7, 2001, as application Serial No. 10/053,304, and was amended on March 17, 2004.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim benefit under Title 35, United States Code, §120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of the application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national PCT international filing date of this application:

<u>60/246,741</u>	<u>November 08, 2000</u>	<u>expired</u>
App'n Serial No.	Filing Date	Status
		(patented, pending, abandoned)

<u> </u>	<u> </u>	<u> </u>
App'n Serial No.	Filing Date	Status
		(patented, pending, abandoned)

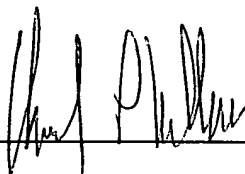
I hereby appoint Jerry K. Mueller, Jr., Reg. No. 27,576, Gerald L. Smith, Reg. No. 22,009, and Diane E. Burke, Reg. No. 45,725 jointly and each of them severally, my attorneys and attorney, with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent and to transact all business in the Patent and Trademark Office connected therewith. I hereby direct that all correspondence be addressed to: Mueller and Smith,



LPA, 7700 Rivers Edge Drive, Columbus, Ohio 43235, and all telephone calls be directed to Gerald L. Smith, at telephone number (614) 436-0600.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: David P. Vellante

Inventor's signature  Date 1/3/06

Residence: Still River, MA

Citizenship US

Post Office Address: 259 Still River Road, Still River, MA 01467

Full name of second inventor: Edward A. Gershenson

Inventor's signature _____ Date _____

Residence: Sudbury, MA

Citizenship: US

Post Office Address: 10 Mark Lane, Sudbury, MA 01776

Full name of third inventor: David A. Floyer

Inventor's signature  Date 4/19/06

Residence: Mountain View, CA

Citizenship: United Kingdom

Post Office Address: 707 Continental Cir. Ste 131, Mountain View, CA 94040



Full name of fourth inventor: Leonard F. Swec

Inventor's signature Leonard Swec Date 3/18/06

Residence: New London, CT

Citizenship: US

Post Office Address: 815 Pequot Ave, New London, CT 06320

ITCentrix Announces Delivery of its SAN Value Software



STILL RIVER, MA - November 1, 1999 - ITCentrix, a leading developer of innovative IT decision support solutions, today announced it has begun shipping Version 2.0 of the SAN Value Tool. The software announced is a standalone, Windows-based decision support application designed to help IT and Business Professionals assess the business value of a SAN infrastructure. The tool, uses the ITCentrix Value Framework to quantify value in three areas, including:

Cost Savings;

Availability Value;

The Value of Faster Application Deployment.

The software includes an easy-to-use front-end interface complete with online help functions to assist users in applying the Rapid Assessment Methodology developed by ITCentrix. The software presents an "apples-to-apples" business case for a variety of different storage approaches including:

Distributed Storage - outside of a data center;

Collocated Storage - moved into a data center;

Basic SAN - involves rudimentary any-to-any connectivity between servers and I/O;

Enhanced SAN - includes more sophisticated volume and fabric management in addition to other software functions;

Future SAN - is a fully enabled SAN offering with dynamic workload and volume management in addition to a global file system.

The software was developed with inputs from Global 2000 and smaller organizations and contains comparative industry information to allow customers to predict costs and benefits based on such factors as workload and complexity of environment. To develop the software, ITCentrix used its database of storage customers that currently includes more than 300 data points on storage management effectiveness within large and medium sized organizations in the U.S. and Europe.

Commenting on the announcement, Dave Vellante, President of ITCentrix said, "In five months we have gone from proof-of-concept to a fully operational, revenue-producing software tool. Our customers are pushing us to add new function at a fast pace and we're excited about the prospects of not only enhancing this software but applying our framework to new technology areas."

Version 2.0 of the ITCentrix SAN Value Tool currently is available to assess SAN infrastructure in Unix and NT environments with future platforms expected in the first half of 2000.

About ITCentrix

ITCentrix is a pre-IPO software and services company founded in 1999 by leading business and technology experts. The company develops powerful decision support software and complimentary services to help its clients make rapid, high quality decisions in their specific business context. ITCentrix has performed numerous of assessments in Global 2000 and smaller organizations using its proprietary software and Rapid Assessment Methodology to help companies avoid costs, improve service levels and accelerate time-to-market.